

# IN THE HIGH COURT OF JUSTICE

## KING'S BENCH DIVISION

Claim No: KB-2025-001991

BETWEEN:

ALKIVIADES DAVID (Appellant)

- and -

(1) MAHIM KHAN

(2) HOWARD KENNEDY LLP

(3) [Others as pleaded] (Respondents)

## APPELLANT'S SKELETON ARGUMENT

(Appeal against the contempt order of Mrs Justice Stacey dated 16 October 2025)

Date: 22 March 2026

### EXHIBIT REFERENCES

ACD-01 Shoefield Statement

ACD-02 Calendar Affidavit

ACD-03 Rizzo Communications

ACD-04 Garofalo Declaration and Exhibits

ACD-05 Contempt Order dated 16 October 2025

ACD-06 Wexler Report

ACD-07 Karampoutakis Report

ACD-08 Response to Howard Kennedy (19 Jan 2026)

ACD-10 Lieberman Letter

ACD-11 California Court of Appeal Judgment

ACD-12 Howard Kennedy Letter (7 Jan 2026)

ACD-13 Huzaineh Statement of Truth

ACD-14 Metropolitan Police Email

ACD-22 Account Restriction Notice (Revolut)

ACD-23 Sigma Bank Closure Email

ACD-24 Professional Services Withdrawal Email

### 1. INTRODUCTION

1. This is the Appellant's appeal against the contempt order of **Mrs Justice Stacey dated 16 October 2025** ("the Order").

2. The Appellant appears as a litigant in person.
3. The appeal raises a narrow but fundamental question: whether a finding of contempt, made to the criminal standard, can safely stand where the evidential record was incomplete, the Appellant's participation was materially impaired, and the integrity of the evidential process is in doubt.
4. The Appellant does **not** seek to re-litigate the underlying merits.
5. The appeal is confined to **procedural and evidential fairness**.

## **2. ISSUES FOR DETERMINATION**

6. The Court is invited to determine:
  - (a) Whether the contempt finding is **unsafe** due to material non-disclosure and fresh evidence;
  - (b) Whether the proceedings were **procedurally unfair** due to impaired effective participation;
  - (c) Whether **procedural irregularity** undermined the integrity of the evidential process;
  - (d) Whether, taken cumulatively, the Order should be **set aside or varied**.

## **3. LEGAL FRAMEWORK**

7. The appeal proceeds under **CPR 52.21** and is by way of review, save where a rehearing is required in the interests of justice.
8. Fresh evidence is governed by **Ladd v Marshall [1954] 1 WLR 1489**, requiring that: (i) it could not have been obtained with reasonable diligence; (ii) it would probably have an important influence on the result; and (iii) it is apparently credible.
9. Contempt is **quasi-criminal**, requiring proof to the **criminal standard**.
10. The Court must therefore proceed with particular caution where the evidential foundation is challenged.
11. The Court must ensure compliance with **Article 6 ECHR**, including effective participation, equality of arms, and procedural fairness in substance, not form.

## **4. GROUND 1**

### **UNSAFE FINDING - MATERIAL NON-DISCLOSURE AND FRESH EVIDENCE**

#### **(A) The Missing Evidence**

12. The Court did not have before it material evidence including:

- Shoefield Statement (**ACD-01**)
- Calendar Affidavit (**ACD-02**)
- Rizzo Communications (**ACD-03**)

#### **(B) Effect of the Evidence**

13. Properly understood, this material undermines the asserted **witness support**, calls into question **participation and reliability**, and destabilises the evidential narrative relied upon below.

#### **(C) Application of Ladd v Marshall**

14. The Appellant submits that the criteria are satisfied:
  - (a) The material was not reasonably obtainable in usable form at the time;
  - (b) It would probably have had an important influence on the result;
  - (c) It is credible, being direct statements and contemporaneous communications.

#### **(D) Result**

15. The contempt finding, reflected in **ACD-05**, was therefore made on a **materially incomplete evidential foundation**.

16. A finding to the criminal standard cannot safely stand where the evidential base is materially incomplete.

### **5. GROUND 2**

#### **PROCEDURAL UNFAIRNESS - IMPAIRED EFFECTIVE PARTICIPATION**

##### **(A) Medical Evidence**

17. The Appellant relies on:

- Wexler Report (**ACD-06**)
- Karampoutakis Report (**ACD-07**)

18. These establish neurocognitive impairment, psychiatric impact from prolonged litigation, and retained capacity but impaired functioning in complex contexts.

##### **(B) Practical Effect**

19. The Appellant's ability to manage disclosure, organise evidence, give coherent instructions, and respond to complex proceedings was materially impaired.

##### **(C) Lack of Accommodation**

20. No adequate procedural accommodations were provided.

21. The proceedings therefore operated on the false premise of **full functional parity**.

##### **(D) Additional Pressure Factors**

22. The Appellant further experienced significant disruption including:

- account restriction (**ACD-22**)
- banking relationship termination (**ACD-23**)
- withdrawal of professional services (**ACD-24**)

23. The Appellant relies on his residential property as his primary and only home.

24. These matters are relied upon **solely as context**, demonstrating the level of pressure under which the Appellant was operating.

##### **(E) Legal Consequence**

25. The cumulative effect was a **material inequality of arms**, contrary to Article 6.

26. In contempt proceedings, such inequality renders the process **procedurally unfair**.

### **6. GROUND 3**

#### **PROCEDURAL IRREGULARITY - INTEGRITY OF THE RECORD**

##### **(A) Evidence of Irregularity**

27. The Appellant relies on the Garofalo Declaration (**ACD-04**), which indicates:

- alteration of a document after execution;
- use of a signature page without authority.

##### **(B) Proper Framing**

28. The Appellant does not invite findings of misconduct.

29. The point is narrower: that the Court may have proceeded on a **mistaken or incomplete understanding of the evidential record**.

### **(C) Legal Consequence**

30. Where the integrity of the evidential record is in doubt, the reliability of findings is compromised; this is especially acute in contempt proceedings.

31. The resulting finding is therefore unsafe.

### **7. CUMULATIVE EFFECT**

32. The Court is invited to consider the **combined effect** of incomplete evidential record, impaired participation, and irregularity affecting evidential integrity.

33. Each ground independently raises concern.

34. Taken together, they demonstrate that the Court did not have a reliable or complete basis to make a finding to the criminal standard.

### **8. LIMITED CONTEXT**

35. The Appellant relies on **ACD-08, ACD-10, ACD-12** only as contextual material relating to notice, procedural posture, and credibility of representations.

36. This is not advanced as a separate merits case.

### **9. RELIEF SOUGHT**

37. The Appellant respectfully invites the Court to:

- (a) admit the fresh evidence;
- (b) find that the contempt finding is unsafe and/or procedurally unfair;
- (c) set aside or vary the Order dated 16 October 2025;
- (d) grant such further relief as the Court considers just.

### **10. CONCLUSION**

38. This appeal raises a fundamental question of fairness: whether a finding of contempt can safely stand where the evidential record was incomplete, the process compromised, and the Appellant's participation materially impaired.

39. The Appellant submits that it cannot.

### **STATEMENT OF TRUTH**

I believe that the facts stated in this skeleton argument are true.

Signed: **Alkiviades David (digitally signed)**

Appellant (Litigant in Person)

Dated: **22 March 2026**